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U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff

v.

JOSHUA MOON ET AL,

Defendants

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' NOTICE OF NON-
CONSENT TO APMR**

Case No.:
2:24-cv-00421-DBB-JCB

Plaintiff Russell Greer replies and says:

Defendants have respectfully misconstrued and misrepresented Plaintiff's DRAFT APMR.

At no time did Greer say they consented to what Greer was proposing. Greer clearly said in the Draft APMR, in paragraph c, that he reached out to Mr. Hardin on October 8th and asked Mr. Hardin verbatim:

"Matthew, I am filing a late APMR and also replying to the court's show cause. Would love to have your input on discovery plans, etc. Not sure if you want to speak via phone or over email. Thank you." **EXHIBIT A.**

Mr. Hardin replied and said, "As indicated in the original order, I think the way forward is to send a draft with your preferred dates and positions and I will counter or edit as appropriate." **EXHIBIT B.**

Plaintiff took that to mean: file your draft APMR and he would then reply with his own.

Plaintiff simply was following the Court template for an APMR and filling in blank spaces and kept the format of the APMR: <https://www.formworkflow.com/form/details/147509-utah-attorney-planning-meeting-report> . The same template is on the District Court's website.

The only thing plaintiff says Defendants consented to was the magistrate judge Bennett because in all reality, they have consented to him by never objecting to him presiding over the case. If they ever did object, Plaintiff never saw their objections. If they did object, Plaintiff apologizes, which is why the APMR is a *draft proposal*.

Plaintiff has done his best to follow the Court's Order for a proposed schedule by following authorized templates and never intentionally misrepresented the other party's views.

Respectfully

DATED: October 10th, 2024

/s/Russell Greer
Pro Se

CERTIFICATE OF SERVICE:

Pursuant to FRCP 5(b), I certify that on October 10th, 2024, I served a true and correct copy of the attached document by E-filing through the Court to Mathew Hardin.

EXHIBIT A

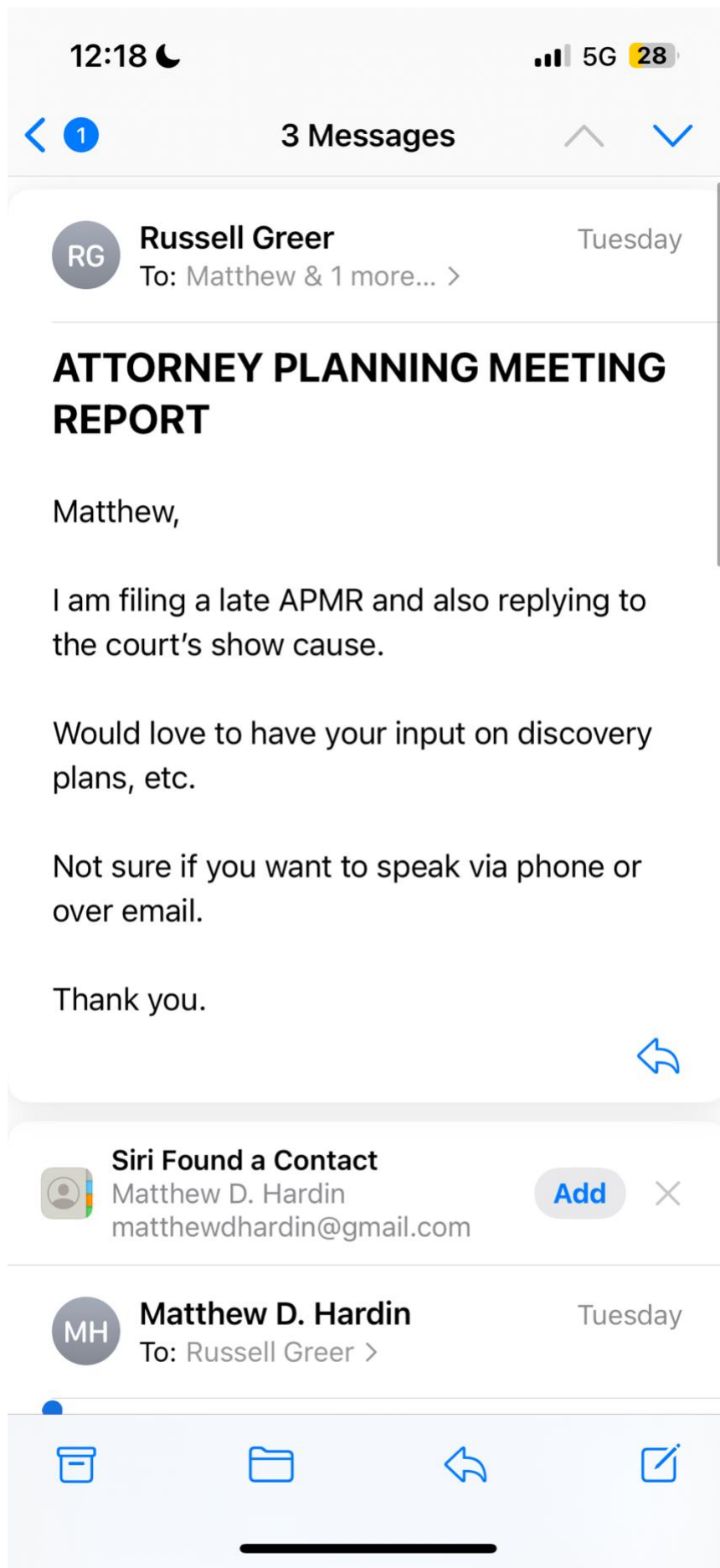


EXHIBIT B

